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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**JANNIE PILGRIM, GIOVANNA HENSON,
JESAN SPENCER, and BRENDA CURTIS,**

CV 07-6618 (CM)(AJP)

Plaintiffs

**PLAINTIFFS' PROPOSED
SPECIAL VERDICT FORM**

-against-

THE MCGRAW-HILL COMPANIES, INC.,

Defendant.

X

Plaintiff, by and through their attorneys, Solotoff & Solotoff submits the following Special Verdict Form. We respectfully request that the proposed Verdict Form be incorporated into any Form that Your Honor ultimately uses. Plaintiffs reserve their right to modify, amend or supplement their proposed Verdict Form in accordance with Your Honor's rules.

Plaintiffs' Proposed Special Verdict Form

PART A.
(Hostile Work Environment)

PART [A]: Plaintiff Pilgrim and/or Plaintiff Spencer contend that Defendant's agents had created a hostile work environment in violation of Title VII. You must find:

PART A: (#1) Whether the Plaintiffs proved a *prima facie* case that Defendant's management created a hostile work environment.

If you find below in favor of either Plaintiff **Pilgrim** or **Spencer** or both, you must move on to

PART A (#2) below for each of such Plaintiff, if not you must move on to **PART B** below.

Plaintiff **Jannie Pilgrim**: Yes: _____ No: _____

Plaintiff **Jesan Spencer**: Yes: _____ No: _____

PART A: (#2) Whether the Defendant's management, purported excuse for its actions, as to Ms. Pilgrim, and/or Ms. Spencer was a pretext for a hostile work environment.

Plaintiff **Jannie Pilgrim**: Yes: _____ No: _____

Plaintiff **Jesan Spencer**: Yes: _____ No: _____

If you find in favor of Ms. Pilgrim and/or Ms. Spencer you must move on to **PART A (#3)** below, if not you must move on to **PART B** below.

PART A: (#3): Whether Plaintiff proved by a preponderance of the evidence that the Defendant's created a hostile work environment.

Plaintiff **Jannie Pilgrim**: Yes: _____ No: _____

Plaintiff **Jesan Spencer**: Yes: _____ No: _____

PART A [#4]. If you found in favor of the Ms. Pilgrim and/or Ms. Spencer you must determine whether as a result of the hostile work environment Plaintiff suffered injury and suffered past, present, and will suffer future physical, mental and emotional distress, embarrassment, humiliation, pain, loss of enjoyment of life, and damage for treatment expense in an amount to be determined by you the jury.

The Jury finds that Plaintiff **Jannie Pilgrim** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

The Jury finds that Plaintiff **Jesan Spencer** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

If you find in favor of Ms. Pilgrim and/or Ms. Spencer above, in addition to the amount awarded above, and regardless of the amount awarded, you may find that Ms. Pilgrim and/or Ms. Spencer is entitled to punitive and exemplary damages from the Defendant, proceed to **PART A [#5]** below:

PART I [#5]. If you find that Defendant through its agents and high ranking official/or officials' conduct was *either* purposeful, willful, malicious, oppressive, wanton, and/or grossly or recklessly negligent, in disregard of Plaintiff's civil rights, Plaintiff is entitled to recover punitive damages from the Defendant:

The Jury Finds that Plaintiff **Pilgrim** is entitled to recover punitive and exemplary damages in the amount of \$ _____

The Jury Finds that Plaintiff **Spencer** is entitled to recover punitive and exemplary damages in the amount of \$ _____

PART B.

(Retaliation)

PART B: Plaintiffs **Pilgrim, Spencer, Curtis and Henson** each contend that Defendant's had retaliated against her for complaining of discrimination in violation of Title VII. You must find:

PART B (#1) Whether the Defendant's management retaliated against the Plaintiff for complaining of discrimination

If you find in favor of any one, or more, of the **Plaintiffs Pilgrim, Spencer, Curtis and/or Henson** you must move on to **PART B (#2)** below, if not you must move on to **PART C** below.

Plaintiff **Jannie Pilgrim:** Yes: _____ No: _____

Plaintiff **Jesan Spencer:** Yes: _____ No: _____

Plaintiff **Giovanna Henson:** Yes: _____ No: _____

Plaintiff **Brenda Curtis:** Yes: _____ No: _____

PART B (#2): Whether the Defendant's management purported excuse for its actions as to Plaintiff was a pretext for retaliation.

Plaintiff **Jannie Pilgrim**: Yes: _____ No: _____

Plaintiff **Jesan Spencer**: Yes: _____ No: _____

Plaintiff **Giovanna Henson**: Yes: _____ No: _____

Plaintiff **Brenda Curtis**: Yes: _____ No: _____

If you find in favor of any one or other Plaintiff, **Pilgrim, Spencer, Curtis and/or Henson** you must move on to **PART B (#3)** below, if not you must move on to **PART C** below.

PART B: (#3): Whether Plaintiff proved by a preponderance of the evidence that the Defendant's retaliated against her in part for complaining about discrimination.

Plaintiff **Jannie Pilgrim**: Yes: _____ No: _____

Plaintiff **Jesan Spencer**: Yes: _____ No: _____

Plaintiff **Giovanna Henson**: Yes: _____ No: _____

Plaintiff **Brenda Curtis**: Yes: _____ No: _____

PART B [#4]. If you found in favor of any one or more of the Plaintiffs you must determine whether as a result of the retaliation the Plaintiff suffered injury and suffered past, present, and will suffer future physical, mental and emotional distress, embarrassment, humiliation, pain, loss of enjoyment of life, and damage for treatment expense in an amount to be determined by you the jury.

The Jury finds that Plaintiff **Jannie Pilgrim** suffered:

The Jury finds that Plaintiff **Jannie Pilgrim** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

The Jury finds that Plaintiff **Jesan Spencer** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$_____

The Jury finds that Plaintiff **Giovanna Henson** suffered:

Past emotional injury: \$_____

Present emotional injury \$ _____

Future emotional injury \$_____

Treatment Expense \$_____

Nominal Damages \$_____

The Jury finds that Plaintiff **Brenda Curtis** suffered:

Past *Lost Income*: \$_____

Future *Lost Income*: \$_____

Past emotional injury: \$_____

Present emotional injury \$ _____

Future emotional injury \$_____

Treatment Expense \$_____

Nominal Damages \$_____

If you find in favor of any one or more of the Plaintiffs above, in addition to the amount awarded above, and regardless of the amount awarded, you may find that Plaintiff is entitled to punitive and exemplary damages from the Defendant, proceed to **PART B [#3]** below:

PART B [#5]. If you find that Defendant through its agents and high ranking official/or officials' conduct was *either* purposeful, willful, malicious, oppressive, wanton, and/or grossly **or** recklessly negligent, in disregard of Plaintiff's civil rights, Plaintiff is entitled to recover punitive damages from the Defendant:

The Jury Finds that Plaintiff **Jannie Pilgrim** is entitled to recover punitive and exemplary damages in the amount of \$_____

The Jury Finds that Plaintiff **Jesan Spencer** is entitled to recover punitive and exemplary damages in the amount of \$_____

The Jury Finds that Plaintiff **Giovanna Henson** is entitled to recover punitive and exemplary

The Jury Finds that Plaintiff **Brenda Curtis** is entitled to recover punitive and exemplary damages in the amount of \$_____

PART C.

(Constructive Discharge)

PILGRIM PART C: Plaintiff Pilgrim and Plaintiff Spencer contend that Defendant's caused her to suffer constructive discharge in violation of Title VII. You must find:

PILGRIM PART C (#1). Whether the Defendant's management caused Plaintiff to suffer constructive discharge

Plaintiff **Jannie Pilgrim:** Yes: _____ No: _____

Plaintiff **Jesan Spencer** Yes: _____ No: _____

If you find in favor of Ms. Pilgrim and/or Ms. Spencer you must move on to **PART C (#2)** below, if not you must move on to **PART D** below.

PILGRIM PART C (#2): Whether the Defendant's management purported excuse for its actions as to Plaintiff was a pretext for constructive discharge.

Plaintiff **Jannie Pilgrim:** Yes: _____ No: _____

Plaintiff **Jean Spencer:** Yes: _____ No: _____

If you find in favor of Ms. Pilgrim and/or Ms. Spencer you must move on to **PART C (#3)** below, if not you must move on to **PART D** below.

PILGRIM PART C: (#3): Whether Plaintiff proved by a preponderance of the evidence that the Defendant's constructively discharged Plaintiff .

Plaintiff **Jannie Pilgrim:** Yes: _____ No: _____

PART C (#4). If you found in favor of the Plaintiff Jannie Pilgrim and/or Jesam Spencer you must determine whether as a result of the constructive discharge Plaintiff suffered injury and suffered past, present, and will suffer future mental and emotional distress, embarrassment, humiliation, pain, loss of enjoyment of life, and damage for treatment.

The Jury finds that Plaintiff **Jannie Pilgrim** suffered:

The Jury finds that Plaintiff **Jannie Pilgrim** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

The Jury finds that Plaintiff **Jesam Spencer** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

If you find in favor of Ms. Pilgrim and/or Ms. Spencer above, in addition to the amount awarded above, and regardless of the amount awarded, you may find that Ms. Pilgrim and/or Ms/ Spencer is entitled to punitive and exemplary damages from the Defendant, proceed to **PILGRIM PART C [#5]** below:

PILGRIM PART C [#5]. If you find that Defendant through its agents and high ranking official/or officials' conduct was either purposeful, willful, malicious, oppressive, wanton, and/or grossly or recklessly negligent, in disregard of Plaintiff's civil rights, Plaintiff is entitled to recover punitive damages from the Defendant:

The Jury Finds that Plaintiff **Jannie Pilgrim** is entitled to recover punitive and exemplary

damages in the amount of \$_____

The Jury Finds that Plaintiff **Jesan Spencer** is entitled to recover punitive and exemplary damages in the amount of \$_____

PART D

(Discrimination)

PILGRIM PART D: Plaintiff, **Pilgrim, Spencer, Curtis and/or Henson** contend that her civil rights were violated in part due to her race as an African American person of color. You must find:

PART D: (#1): Whether Plaintiff **Pilgrim, Spencer, Curtis and/or Henson** proved by a preponderance of the evidence a prima facie case that the Defendant's discriminated and denied the Plaintiff equal terms, conditions and privileges of employment, and failed to afford her, the full and equal benefit of the laws in part by reason of Plaintiff's race or color.

If you find in favor of any one or other Plaintiff **Pilgrim, Spencer, Curtis and/or Henson** you must move on to **PART D (#2)** below, if not you must move on to **PART E** below.

Plaintiff **Jannie Pilgrim:** Yes: _____ No: _____

Plaintiff **Jesan Spencer:** Yes: _____ No: _____

Plaintiff **Giovanna Henson:** Yes: _____ No: _____

Plaintiff **Brenda Curtis:** Yes: _____ No: _____

PART D: (#2) Whether the Defendant's management purported excuse for its actions as to Plaintiff was a pretext for discrimination.

Plaintiff **Jannie Pilgrim:** Yes: _____ No: _____

Plaintiff **Jesan Spencer:** Yes: _____ No: _____

Plaintiff **Giovanna Henson:** Yes: _____ No: _____

Plaintiff **Brenda Curtis:** Yes: _____ No: _____

If you find in favor of any one or more of the Plaintiffs you must move on to **PART D (#3)** below, if not you must move on to **PART E** below.

PART D: (#3): Whether Plaintiff proved by a preponderance of the evidence that the Defendant's

discriminatory practices denied the Plaintiff equal terms, conditions and privileges of employment, and failed to afford the Plaintiff the full and equal benefit of the laws, in part, by reason of Plaintiff's race or color.

Plaintiff **Jannie Pilgrim**: Yes: _____ No: _____

Plaintiff **Jesan Spencer**: Yes: _____ No: _____

Plaintiff **Giovanna Henson**: Yes: _____ No: _____

Plaintiff **Brenda Curtis**: Yes: _____ No: _____

PART D [#4]. If you found in favor of any one or more of the Plaintiffs you must determine whether as a result of the discriminatory conduct, Plaintiff suffered injury and suffered past, present, and will suffer future physical, mental and emotional distress, embarrassment, humiliation, pain, loss of enjoyment of life, and damage for treatment expense in an amount to be determined by you the jury.

The Jury finds that Plaintiff **Jannie Pilgrim** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

The Jury finds that Plaintiff **Jesan Spencer** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

The Jury finds that Plaintiff **Giovanna Henson** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

The Jury finds that Plaintiff **Brenda Curtis** suffered:

Past *Lost Income*: \$ _____

Future *Lost Income*: \$ _____

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

If you find in favor of any one or more of the Plaintiffs above, in addition to the amount awarded above, and regardless of the amount awarded, you may find that Plaintiff is entitled to punitive and exemplary damages from the Defendant, then proceed to **PART D [#5]** below:

PART D [#5]. If you find that Defendant through its agents and high ranking official/or officials' conduct was either purposeful, willful, malicious, oppressive, wanton, and/or grossly or recklessly negligent, in disregard of Plaintiff's civil rights, Plaintiff is entitled to recover punitive damages from the Defendant:

The Jury Finds that Plaintiff **Jannie Pilgrim** is entitled to recover punitive and exemplary damages in the amount of \$ _____

The Jury Finds that Plaintiff **Jesan Spencer** is entitled to recover punitive and exemplary damages in the amount of \$ _____

The Jury Finds that Plaintiff **Giovanna Henson** is entitled to recover punitive and exemplary damages in the amount of \$ _____

The Jury Finds that Plaintiff **Brenda Curtis** is entitled to recover punitive and exemplary damages in the amount of \$ _____

PART E.

PART E: Plaintiff, **Pilgrim, Spencer, Curtis and/or Henson** contend that her civil rights were violated in part due to her race as an African American person of color in violation of 42 U.S.C. Section 1981: You must find:

PART E: (#1): Whether any one or more Plaintiffs and McGraw-Hill were parties to an implied employment contract. Under 42 U.S.C. § 1981(a), " and that Plaintiff was qualified to work for McGraw-Hill, and that McGraw Hill has created and maintained a system of hiring, and retaining and promoting McGraw-Hill employees which is very subjective and discriminated against Plaintiff by reason of her race and color.

If you find in favor of any one or more Plaintiffs you must move on to **PART E (#2)** below, if not you have completed this verdict form.

Plaintiff **Jannie Pilgrim:** Yes: _____ No: _____

Plaintiff **Jesan Spencer:** Yes: _____ No: _____

Plaintiff **Giovanna Henson:** Yes: _____ No: _____

Plaintiff **Brenda Curtis:** Yes: _____ No: _____

PART E: (#2) Whether the Defendant's management purported excuse for its actions as to Plaintiff Pilgrim was a pretext for discrimination.

Plaintiff **Jannie Pilgrim:** Yes: _____ No: _____

Plaintiff **Jesan Spencer:** Yes: _____ No: _____

Plaintiff **Giovanna Henson:** Yes: _____ No: _____

Plaintiff **Brenda Curtis:** Yes: _____ No: _____

If you find in favor of any one or other Plaintiff you must move on to **PART E (#3)** below

PART E: (#3): Whether any one or other Plaintiff proved by a preponderance of the evidence that the Defendant's discriminatory practices towards her denied the Plaintiff equal terms, conditions and privileges of employment, and failed to afford the Plaintiff the full and equal benefit of the laws, in part, by reason of Plaintiff's race or color

Plaintiff **Jannie Pilgrim**: Yes: _____ No: _____

Plaintiff **Jesan Spencer**: Yes: _____ No: _____

Plaintiff **Giovanna Henson**: Yes: _____ No: _____

Plaintiff **Brenda Curtis**: Yes: _____ No: _____

PART E [#4]. If you found in favor of any one or other Plaintiff you must determine whether as a result of the discriminatory conduct, Plaintiff suffered injury and suffered past, present, and will suffer future physical, mental and emotional distress, embarrassment, humiliation, pain, loss of enjoyment of life, and damage for treatment expense in an amount to be determined by you the jury.

The Jury finds that Plaintiff **Jannie Pilgrim** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

The Jury finds that Plaintiff **Jesan Spencer** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

The Jury finds that Plaintiff **Giovanna Henson** suffered:

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

The Jury finds that Plaintiff **Brenda Curtis** suffered:

Past *Lost Income*: \$ _____

Future *Lost Income*: \$ _____

Past emotional injury: \$ _____

Present emotional injury \$ _____

Future emotional injury \$ _____

Treatment Expense \$ _____

Nominal Damages \$ _____

If you find in favor of any one or other Plaintiff above, in addition to the amount awarded above, and regardless of the amount awarded, you may find that the Plaintiff is entitled to punitive and exemplary damages from the Defendant, than proceed to **PART E [#5]** below:

PART E [#5]. If you find that Defendant through its agents and high ranking official/or officials' conduct was either purposeful, willful, malicious, oppressive, wanton, and/or grossly or recklessly negligent, in disregard of Plaintiff's civil rights, Plaintiff is entitled to recover punitive damages from the Defendant:

The Jury Finds that Plaintiff **Jannie Pilgrim** is entitled to recover punitive and exemplary damages in the amount of \$ _____

The Jury Finds that Plaintiff **Jesan Spencer** is entitled to recover punitive and exemplary damages in the amount of \$ _____

The Jury Finds that Plaintiff **Giovanna Henson** is entitled to recover punitive and exemplary damages in the amount of \$ _____

The Jury Finds that Plaintiff **Brenda Curtis** is entitled to recover punitive and exemplary damages in the amount of \$ _____

Foreman of the Jury

Date: (/ /)

CERTIFICATE OF SERVICE

The undersigned, a member in good standing of the Bar of this Court, hereby certifies that on June 27, 2008 Counsel caused a true and correct copy of Plaintiffs' Proposed Jury Instructions, Voir Dire Questions, and Special verdict Form to be served via Overnight Mail to:

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ATTORNEYS FOR DEFENDANT

Dated: Great Neck, New York
June 27, 2008

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